

Presentment Date: December 6, 2022 at 12:00 p.m.  
Objection Deadline: December 6, 2022 at 11:00 a.m.

TOGUT, SEGAL & SEGAL LLP  
One Penn Plaza, Suite 3335  
New York, New York 10119  
(212) 594-5000  
Albert Togut  
Frank A. Oswald  
Neil Berger

*Attorneys for Stephen S. Gray,  
Not Individually But Solely in His Capacity  
as Chapter 11 Trustee*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X	:	
	:	
In re:	:	Chapter 11
	:	
96 WYTHE ACQUISITION LLC,	:	Case No. 21-22108 (SHL)
	:	
Debtor.	:	
	:	
-----X	:	

**NOTICE OF PRESENTMENT OF AMENDED ORDER  
AUTHORIZING THE RETENTION AND EMPLOYMENT  
OF A&G REAL ESTATE PARTNERS, LLC AND EASTDIL SECURED, LLC  
AS REAL ESTATE CO-BROKERS FOR THE CHAPTER 11 TRUSTEE**

PLEASE TAKE NOTICE that on July 26, 2022, of Stephen S. Gray, not individually but solely in his capacity as the Chapter 11 trustee (the "Applicant" or the "Trustee") of the estate of 96 Wythe Acquisition LLC (the "Debtor"), filed the *Chapter 11 Trustee's Application for an Order Authorizing the Retention and Employment of A&G Real Estate Partners, LLC and Eastdil Secured, LLC as Real-Estate Co-Brokers* [Docket No. 632] (the "Application").

PLEASE TAKE FURTHER NOTICE that on August 12, 2022, the Court entered the *Order Authorizing the Retention and Employment of A&G Real Estate Partners, LLC and Eastdil Secured, LLC as Real Estate Co-Brokers for the Chapter 11 Trustee* [Docket No. 651] (the "Retention Order").

**PLEASE TAKE FURTHER NOTICE** that annexed hereto is an *Amended Order Authorizing the Chapter 11 Trustee's Retention of A&G Real Estate Partners, LLC and Eastdil Secured, LLC as Real Estate Co-Brokers to Increase Their Expense Cap* (the "Amended Order"), which the undersigned by his attorneys, Togut, Segal & Segal LLP, will present for signature, to the Honorable Sean H. Lane, United States Bankruptcy Judge, in his Chambers, United States Bankruptcy Court for the Southern District of New York, 300 Quarropas Street, White Plains, New York 10601-4140, at **12:00 p.m. (prevailing Eastern Time) on December 6, 2022 (the "Presentment Date").**

**PLEASE TAKE FURTHER NOTICE** that objections, if any, to the Amended Order must be made in writing and conform with the requirements of the Bankruptcy Code, the Bankruptcy Rules, and the Local Bankruptcy Rules, and be filed with the Clerk of the Bankruptcy Court at the address set forth above, with a copy delivered directly to Bankruptcy Judge Lane's Chambers, and served upon (i) the undersigned attorneys for the Trustee and (ii) the Office of the United States Trustee, Attn: Greg M. Zipes, Trial Attorney (Greg.Zipes@usdoj.gov), so as **to be filed and actually received by all of them not later than 4:00 p.m. (prevailing Eastern Time) on December 6, 2022 (the "Objection Deadline").** If no timely written objections are filed and received in accordance with the foregoing, the Order may be signed by the Court.

*[Concludes on Following Page]*

DATED: New York, New York  
November 22, 2022

STEPHEN S. GRAY  
Not Individually But Solely in His  
Capacity as Chapter 11 Trustee  
By His Attorneys,  
TOGUT, SEGAL & SEGAL LLP  
By:

/s/ Frank A. Oswald  
ALBERT TOGUT  
FRANK A. OSWALD  
NEIL BERGER  
One Penn Plaza, Suite 3335  
New York, New York 10119  
(212) 594-5000

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
In re: : Chapter 11  
: :  
96 WYTHE ACQUISITION LLC, : Case No. 21-22108 (SHL)  
: :  
Debtor. : **Re: Docket Nos. 632 & 651**  
: :  
-----X

**AMENDED ORDER AUTHORIZING  
THE CHAPTER 11 TRUSTEE'S RETENTION OF  
A&G REAL ESTATE PARTNERS, LLC AND EASTDIL SECURED, LLC  
AS REAL ESTATE CO-BROKERS TO INCREASE THEIR EXPENSE CAP**

This Court having entered an Order dated August 12, 2022, authorizing Stephen S. Gray, not individually but solely in his capacity as the chapter 11 trustee (the "Trustee") in the above-captioned chapter 11 case (the "Chapter 11 Case") to retain and employ A&G Real Estate Partners, LLC ("A&G") and Eastdil Secured, LLC ("Eastdil") as his real estate co-brokers (together, the "Co-Brokers") [Docket No. 651] (the "Retention Order"), which provided, among other things, an expense reimbursement cap of \$50,000 (the "Expense Cap");<sup>1</sup> and the Co-Brokers having advised the Trustee that due to their robust marketing efforts their expenses will exceed the Expense Cap and have therefore request that it be increased by \$10,000; and the Trustee, after consultation with, and with the consent of, the Secured Lender, having agreed to the requested increase; and this Court having jurisdiction to consider the relief requested pursuant to 28 U.S.C. §§ 157 and 1334; and venue of this Chapter 11 Case in this district being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and this matter being a core

---

<sup>1</sup> Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to such terms in the *Chapter 11 Trustee's Application for an Order Authorizing the Retention and Employment of A&G Real Estate Partners, LLC and Eastdil Secured, LLC as Real-Estate Co-Brokers* [Docket No. 632] (the "Application").

proceeding pursuant to 28 U.S.C. § 157(b); and this Court having found that proper and adequate notice of the relief requested herein has been provided in accordance with the Bankruptcy Rules, Local Rules, and any applicable orders entered in this Chapter 11 Case, and no other or further notice is necessary; and any objections to the relief requested having been withdrawn or overruled on the merits; and after due deliberation and sufficient cause appearing therefor;

**IT IS HEREBY ORDERED THAT:**

1. The Retention Order is hereby amended to increase the Expense Cap to \$60,000.
2. All other provisions of the Retention Order remain in full force and effect.

DATED: White Plains, New York  
\_\_\_\_\_, 2022

---

HONORABLE SEAN H. LANE  
UNITED STATES BANKRUPTCY JUDGE